

Between Equal Rights: Primitive Accumulation and Capital's Violence

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This paper attempts to elaborate a political theory of capital's violence. Recent analyses have adopted Karl Marx's notion of the "primitive accumulation of capital" for investigating the forcible methods by which the conditions of capital accumulation are reproduced in the present. I argue that the current scholarship is limited by a certain functionalism in its theorization of ongoing primitive accumulation. The analytic function accorded to primitive accumulation, I contend, can be better performed by the concepts of "capital-positing violence" and "capital-preserving violence." In coining these new concepts, I first refine the conceptual core of primitive accumulation as the coercive capitalization of social relations of reproduction, which falls into sharpest relief in the violent history of colonial capitalism. I then elucidate this conceptual core with reference to Carl Schmitt's account of European colonial expansion and Walter Benjamin's reflections on law-making and law-preserving violence. The resultant concepts of capital-positing and capital-preserving violence, I conclude, can illuminate both the historical and the quotidian operations of the politico-juridical force that has been constitutive of capitalism down to our present moment.

"Between equal rights, force decides."
Karl Marx

Introduction

The turbulent course of neoliberal capitalism in the last four decades, magnified by the 2008 financial crisis and its socioeconomic fallout, has revived scholarly interest in the violence of capitalism as manifested both in the strategies by which capitalist relations have been globally restructured and in the social and ecological costs that such restructuration has entailed. A growing number of researchers have recently resorted to Karl Marx's notion of the "primitive accumulation of capital" for investigating the aggressive processes of capitalist reorganization and intensification, variously instantiating in corporate empowerment, upward distribution of global wealth, hyper-exploitation of labor in global commodity chains, finance-driven dispossession and fiscal austerity, and new forms of commercial land grabbing.¹ The current appeal of the notion of primitive accumulation is not difficult to explain. Marx himself elaborated this notion in his account of the violent origins of the capitalist mode of production.

His was a story written in "letters of blood and fire," in which he narrated the emergence of capitalism from the dispossession of direct producers and their coercion into waged exploitation by the open extra-economic force of the state.² In appropriating primitive accumulation for contemporary analysis, commentators have maintained that such violent methods have never been wholly superseded by a purportedly mature and peaceful capitalism, and that capitalism has always depended for its reproduction on renewed acts of primitive accumulation carried out by extra-economic coercion. Many now concur that primitive accumulation is a permanent feature of capitalism and drives the expansion of capitalist logics into new social and ecological domains, though disagreement abounds over the precise conceptual and empirical scope of the term.

What this essay sets out to address is the striking paucity of sustained reflection in this theoretical renaissance on the status of violence and coercion that belongs to the definition of primitive accumulation. Existing studies often focus on the functions, mechanisms, and effects of primitive accumulation without a matching attention to the element of force that actuates them.³ I address this lacuna by mounting two interlocking arguments. First, I argue that the violence of primitive accumulation harbors an irreducible *political* dimension, understood as its constitutive status in founding and grounding the institutional background conditions of capitalism. The political aspect of this violence resides in its fundamental "lawmaking" capacity to constitute not only a juridical but also a social order by "subsuming" (annihilating, subordinating, or reconstituting) existing institutions, practices, and norms of social reproduction in ways that render them commensurate with the capitalist order of private property, labor, and the law of value. Second, I maintain that the "colonial empire" rather than the nation-state furnished the politico-legal framework within which capitalism historically emerged as a world system. The history of colonial capitalism, and especially primitive accumulation at imperial frontiers, provides us with the starkest instances of the extra-

economic force that was constitutive of capitalist relations, precisely because such violence lay beyond the laws, norms, and customs that at once restricted and justified the use of force in Europe. Taken together, these two tenets – the political-constitutive position and global-colonial expanse of primitive accumulation – enable one to grasp coercive colonial structures, such as slavery, commercial imperialism, and settler colonialism, as properly belonging to the history of capital, and to conceive their violence as capital's violence.

These arguments lead to the essay's key innovation, namely, to theorize the persistent violence of primitive accumulation by using the categories of constituent and constituted power. I locate the conceptual resources adequate to this task in constitutional and legal theory because the latter explicitly concerns the relationship between political power and law, and between the act of constitution and the constituted order. Its vocabulary thus lends itself to analyzing the politico-juridical force that constitutes and maintains capitalist social forms (private property, wage labor, market dependency), even as these forms are rechristened as the domain of the "economy" that is defined by its categorical separation from the political. As an act of extra-economic force that founds an economic order, primitive accumulation is structurally analogous in constitutional theory to the concept of constituent power as extra-legal force that founds a legal order. The works of Carl Schmitt and Walter Benjamin are particularly helpful in recovering this political aspect of capitalist constitution. Carl Schmitt's theory of *nomos* and *anadasmoi*, elaborated in his account of European colonial expansion, offers a capacious language for capturing the ontological status of primitive accumulation, which, I argue, is a socio-spatial frontier phenomenon that arises from capital's encounter with, and drive to subsume, alternative forms of life and value. Walter Benjamin's reformulation of constituent and constituted power as "lawmaking" and "law-preserving" violence further refines the conceptual vocabulary for explicating the violence that drives such foundational reorientation.

Reworking these categories for an analysis of capitalism, I coin the terms "capital-positing" and "capital-preserving" violence as two interlinked modalities of extra-economic force that establish and reproduce capitalist social forms. I argue that the two modalities of violence are situated on the same continuum of politico-juridical force, wherein capital-positing violence that constitutes capitalist social forms is *suspended* but *not superseded* in the capital-preserving matrix of legal, institutional, and administrative coercion, as well as in the norms, practices, and subjectivities that this matrix subtends. In this respect, capital-positing and preserving-violence form a conceptual terrain on which we find capitalist expansion and reproduction intimately connected to forms of sovereign and disciplinary power. I contend that these two modalities offer a more comprehensive conceptual framework for investigating the political valence of capital's violence than offered by primitive accumulation, insofar as they capture the irreducible element of politico-juridical power on which the capitalist mediation of social reproduction depends. In contrast to descriptive or historical accounts of primitive accumulation, this theoretical framework highlights the foundational significance of the force that constitutes and maintains a comprehensive institutionalized social order.

Secondly, a focused analysis of capital's violence calls for a critique of the deep-seated imagination of capitalism as an essentially liberal economic system of free markets. At least since the birth of classical political economy, liberal exponents of capitalism have defended it on its congruity with the ethico-juridical values of liberty and equality enshrined in private property, market exchange, and free labor. This liberal image of capitalism has always sat uneasily with the record of coercion, dispossession, and domination (most notably in colonialism, imperialism, and slavery) that has gone into the making of the capitalist world economy. A prominent liberal response has been to "disavow" such extra-economic force as incidental and external to capitalism's essentially liberal market logic. Although it would be wrong to equate this response with liberalism *tout court*, the disavowal of capital's violence

has proven to be a powerful ideological gesture that for a long time underwrote neoliberal equations of "capitalism and freedom."⁴ The alternative position advanced here, namely that capitalism rests on institutionalized, legally enshrined, and regularly reiterated violence, sees nothing aberrant in the intimacy of capital and coercion. In addition to systematically connecting the structural violence of disposability to the episodic violence of dispossession, this perspective offers a sober view of the rising phenomenon of "authoritarian capitalism" that has shaken the liberal article of faith in the affinity of capitalist integration and open societies.

The essay proceeds in four sections. I begin with a brief critical engagement with the recent controversies over how to refashion primitive accumulation as a general category of analysis. I part ways with the prevalent functionalist tendency to treat ongoing primitive accumulation as a mechanism for managing capitalist crises that periodically arise from expanded reproduction. In the second section, I define the conceptual core of primitive accumulation as the coercive capitalization of social relations of production, which, *via* formal and real subsumption, constitutes a heterogeneous array of social forms that organize expropriation and exploitation. I illustrate this constitutive aspect with reference to the early-modern history of capitalism, wherein colonial forms such as plantation slavery in the Atlantic and commercial imperialism in Asia represent key moments of global primitive accumulation. In the third section, I utilize Schmitt's theory of "*nomos*" for explicating the political valence of primitive accumulation as a frontier phenomenon, which forcibly assimilates or subordinates non-capitalist social orders to the order (*nomos*) of capital, and in the process engenders the secular problem of justifying capital's violence. The final section further elucidates this political valence by drawing insights from Benjamin and formulates the concepts of capital-positing and capital-preserving violence. I discuss these two modalities in terms of the political power that constitutes the capitalist social order and then settles into the juridical and disciplinary apparatuses that maintain the ostensibly autonomous order of the market. I

conclude with reflections on contemporary instantiations of capital's violence across the globe and the proposed framework's analytic purchase in identifying them.

As a final note, I use "force" and "violence" interchangeably throughout the essay. Both terms are implied in the German word "*Gewalt*" as used by the primary interlocutors of this essay – Karl Marx, Walter Benjamin, and Carl Schmitt – which refers not only to sheer violence but also to "legitimate power, authority, and public force."⁵ This capacious scope of the concept is particularly important for grasping the continuity of capital-positing and preserving violence.

I. Primitive Accumulation: Revival and Limits

My analysis of capital's violence takes Marx's discussion of the "primitive accumulation of capital" (*ursprüngliche Akkumulation*) as its point of departure. The term makes its debut in the last section of the first volume of *Capital*, where Marx explains the historical emergence of the capitalist mode of production in early-modern England. Marx's narrative traces in vivid detail the expropriation of the English peasantry by the enclosure of common lands, their coercion into rural and urban wage labor through draconian measures against vagrancy and theft, the formation of domestic markets in productive inputs and subsistence goods, and the culmination of the whole process in the acquiescence of the dispossessed in the regime of wage labor.⁶ The English case represents for Marx the "classic form" of primitive accumulation because only there one finds these different moments of primitive accumulation (dispossession, proletarianization, and market formation) converge around a new class relation and give birth to the capitalist mode of production.⁷ Throughout his exposition, Marx is at pains to emphasize the critical role of extra-economic coercion and, especially, the political and legal power of the state in creating and institutionalizing capitalist relations through criminal law, Parliamentary Enclosures, maximum wage legislation, economic protectionism, and the creation of the national debt. Targeting Adam Smith's

explanation of original accumulation by individual industry and saving, Marx asserts that "[i]n actual history, it is a notorious fact that conquest, enslavement, robbery, murder, in short, force, play the greatest part."⁸ Classical political economy's imagination of the bourgeois order as the rule of "Freedom, Equality, Property, and Bentham," Marx implies, hinges on looking past the expropriation and domination that have laid down this order's historical conditions of possibility.⁹

The category of primitive accumulation has found a new lease on life in recent years as critics have looked back to early-modern episodes of capitalist transformation in order to illuminate neoliberal capitalism.¹⁰ Various authors have argued that the agenda of privatization and liberalization, implemented by right-wing governments in the Global North and structural adjustment programs in the Global South, amounted to a new wave of primitive accumulation in which the sovereign-disciplinary power of the state, now compounded by the pressure from powerful international institutions like the IMF and the World Bank, performed the necessary coercive function.¹¹ This theoretical reorientation informed reams of research on predatory strategies of expropriation in the global peripheries of capitalism through debt incumbency, land grabbing, resource extraction, and hyper-exploitation of racialized and gendered labor.¹² Recasting neoliberal policies as instances of primitive accumulation represented a major theoretical break with the postwar Marxian debates, especially with the "transition to capitalism" controversy and its treatment of primitive accumulation as a phase that is superseded by "expanded reproduction" predicated on the exploitation of legally free wage labor.¹³ The emergent consensus now grasps primitive accumulation as an integral part of capitalism, and its gist is captured by Silvia Federici (a frontrunner in the literature) when she writes, "[a] return of the most violent aspects of primitive accumulation has accompanied every phase of capitalist globalization, including the present one."¹⁴

While I agree with the broad thrust of these revisionist interpretations, I contend that they remain limited by a certain functionalism in their conception of primitive accumulation in relation to capitalism. By "functionalism," I mean the tendency to place analytic priority on primitive accumulation's *function* in resolving capitalist crises, in contrast to its foundational status in the *constitution* of the capitalist social order, as I elaborate below. While the space of this essay does not permit a comprehensive survey of all the relevant scholarship, three sophisticated reappraisals of primitive accumulation are sufficiently representative of this tendency. The most prominent of these is David Harvey's highly influential redefinition of primitive accumulation as "accumulation by dispossession" in his analysis of neoliberalism.¹⁵ For Harvey, contemporary accumulation by dispossession "can occur in a variety of ways," including privatization, financial predation, debt, and asset devaluation, and "there is much that is both contingent and haphazard about its *modus operandi*."¹⁶ Its real (i.e. non-contingent) significance resides instead in its role of "compensating for the chronic problems of overaccumulation arising within expanded reproduction."¹⁷ In the presence of global surplus capital lacking profitable fields of investment, accumulation by dispossession releases productive assets, such as labor, raw materials, and fixed capital at very low cost, which surplus capitals can then seize to reduce input costs, restoring profitability and staving off overaccumulation crises.¹⁸

Jason Moore advances a similar argument in his innovative critique of the capitalist organization of ecology, wherein he construes primitive accumulation as part of the capitalist power-knowledge assemblage that produces "abstract social nature" as well as "abstract social labor."¹⁹ As for Harvey, the crux of the matter for Moore is the profitability of capitalist exploitation of labor, which requires as its precondition the appropriation of unpaid work and energy, such as ecological services and reproductive labor of women, that capital treats as free or "cheap nature." Each wave of "accumulation by capitalization" that raises labor productivity

across the system depends on a prior wave of "accumulation by appropriation" that reduces the costs of capitalist production by expanding the frontiers of unpaid resources, energy, and work sequestered by capital.²⁰

Finally, in her examination of neoliberal "expulsions" from formal economies, living spaces, and habitable ecologies, Saskia Sassen uses primitive accumulation as a diagnostic tool for delineating contemporary "predatory formations."²¹ Through an analysis of fiscal austerity, global land grabs, and the destruction of ecosystems, she underscores the elementary brutalities of expropriation and abandonment generated by complex assemblages of technology, law, and finance. For Sassen, primitive accumulation denotes the process by which "advanced" capitalism cannibalizes the productive assets of "traditional" (i.e. Keynesian) capitalism and violently pushes aside anything or anybody that gets in the way of the new "systemic logic" of unfettered corporate profitability.²² This systemic logic pushes up profitability less by investing in productive capacity and employment of labor than by appropriating and redistributing wealth upwards – a point that echoes Harvey's unfavorable verdict on neoliberalism.²³

The point I would like to stress is that in all three accounts, primitive accumulation (by dispossession, appropriation, or expulsion) figures as functionally indispensable yet ultimately external to capitalism, which remains conceptually anchored to "expanded reproduction" (Harvey), "traditional capitalism" (Sassen), and "abstract social labor" (Moore). This functional construction is signaled by the widely used tropes of "return," "renewal," and "reinvention," whereby primitive accumulation erupts when the contradictions of expanded reproduction assume crisis proportions and recedes when these contradictions are temporarily resolved through violent expropriations and convulsive restructuring of capitalist relations. On this account, the antecedents of which date back to Marx's and Luxemburg's seminal reflections on primitive accumulation,²⁴ extra-economic violence figures as a peripheral

instrument of capitalist expansion that belongs to the *history* but not to the *theory* of capitalism. It is *for* but not *of* capitalism.²⁵

While I do not dispute the continuous character of primitive accumulation or its role in crisis management, I propose to theorize this continuity differently. I contend that there is a deeper connection between primitive accumulation and capitalist social order, a connection that changes its form but does not dissolve once expanded reproduction is back on track. I situate this connection at the level of politico-juridical constitution of capitalism, that is, around the lawmaking capacity of primitive accumulation that establishes and undergirds the institutional background conditions capital accumulation, above all, private property, labor, and law of value. The politico-juridical force that constitutes these fundamental institutional forms does not disappear as one transitions to the constituted order of capital but continues to animate the legal, administrative, and subjective structures of capitalism as an "institutionalized social order,"²⁶ which rests on a specific organization of not only economic but also social, ecological, and political relations. The imagery adequate to capturing the relationship between primitive accumulation and expanded reproduction, and between the "blood and fire" of extra-economic force and the "silent compulsion" of economic relations, is not one of "return" or "reinvention" but a continuum on which capital's violence bends back and forth between its constitutive and constituted modalities.

Some scholars have gestured at the continuity between the *act* of coercion that engenders capitalization and the *structure* of coercion that reproduces capital on an everyday basis. Though not directly focusing on capitalism, Dipesh Chakrabarty, for instance, has suggested that the "victory of the modern" rests on repression, violence, and coercion that is "both originary/foundational (that is, historic) as well as pandemic and quotidian."²⁷ In their new history of the origins of global capitalism, Alexander Anievas and Kerem Nisancioglu conclude that extra-economic coercion "is not external to capitalism as a mode of production,

but constitutive of its very ontology.”²⁸ These invocations, however, are scattered and intermittent at best, and stop short of a sustained theoretical treatment of this problematic. As I discuss in sections 3 and 4, constitutional and legal theory provides a productive way forward. Schmitt’s concept of *nomos* and Benjamin’s concepts of lawmaking and law-preserving violence in particular are conducive to expressing the continuity between the originary and quotidian modalities of capital’s violence. Before we can expound on this argument, however, we first need to reconstruct the notion of primitive accumulation in a manner that looks beyond its functionality and captures its constitutive dimension.

II. Colonial Capitalism, Global Primitive Accumulation

The recent literature is replete with competing definitions of primitive accumulation. Without getting entangled in this controversy,²⁹ I argue that it is possible to define the conceptual core of primitive accumulation concisely in the following way. First and foremost, primitive accumulation involves a fundamental act of “separation” that forcibly opens up a distance between producers and the conditions of laboring (means of production and subsistence), which is then mediated by the imperative to produce surplus value (profit and accumulation).³⁰ To be sure, social mediation is present in all human productive activity, which consists in a “metabolic interaction” with the non-human world through the appropriation and transformation of resources to satisfy human needs.³¹ What primitive accumulation does is to lay down the conditions for the specifically *capitalist* “appropriation of, and consolidated class monopoly in, the mediated ‘metabolic interaction.’”³² Crucially, this separation-mediation relationship involves not only the *assimilation* (i.e. destruction and reconstitution) of non-capitalist relations of social reproduction but also their subordinate *articulation* to circuits of capital.³³ This last point builds on Marx’s theory of capital’s “formal subsumption” and “real subsumption” of labor.³⁴ Understood as a continuum rather than a binary opposition, this

distinction hinges on the degree of capital's domination of the laboring process. At the end of "real subsumption" lies the assimilation of non-capitalist forms labor organization into capital through the technical recomposition of the laboring process in order to maximize supervision, control, labor productivity. At the end of "formal subsumption," one finds the articulation of a plurality of existing productive forms that are subordinated to capital by various economic and extra-economic strategies. Building on these postulates, we can define primitive accumulation as *the process of subsumption that forcibly establishes capital's mediation of access to the conditions of social reproduction*.³⁵

The key point to note here is the peculiar structural position of primitive accumulation. Although primitive accumulation establishes the institutional conditions of "the economy" as a norm-governed independent sphere and the key site of capitalist mediation, it also remains alien to this sphere by virtue of its *modus operandi*. This is because it necessarily relies on the use of politico-juridical force that is categorically excluded from the definition of the economy as an autonomous system of interdependence mediated by self-regulating markets. Such force can assume legal, executive, administrative, or outright illegal or extra-legal forms. Its real significance resides in its status as *extra-economic force that founds the capitalist economic order*. As I discuss below, this renders primitive accumulation a "limit concept," much like "constituent power" understood as extra-legal force that founds a legal order.³⁶ This is the first premise for theorizing the political intension of the violence of primitive accumulation.

The second and related premise is the need to situate primitive accumulation in the irreducibly colonial genealogy of capitalism, which entails abandoning the nation-state for the "colonial empire" as the politico-legal unit of analysis.³⁷ The global-colonial perspective enables one to discern those moments of primitive accumulation that are otherwise unrecognizable because they do not resemble the "classic" English case. In its actual history (as opposed to Marxian or liberal teleological narratives), capitalism has expanded through

various *configurations* of dispossession, commodification, and proletarianization at different paces and geographic scales. These comprise, for example, expropriation without exploitation that is the signature feature of settler colonialism,³⁸ "export-led exploitation" under commercial imperialism that depends on "semi-dispossessed" producers rather than on proletarian labor,³⁹ indentured labor whose mobility is ensured not through the market but through imperial schemes of labor allocation,⁴⁰ and plantation slavery that weaves together the most radical modes of expropriation and exploitation.⁴¹ Such heterogeneity is the inescapable outcome of the fact that capitalist subsumption always takes place in relation to counter-forces rooted in non-capitalist practices and values that resist or subvert the attempts to subordinate life, ecology, and work to the imperatives of profit and accumulation. Primitive accumulation and resistance to it form a force field, an indeterminate though not arbitrary space of antagonism and struggle, within which capitalist transformation takes on an open-ended, relational, variegated, and reversible character.

We can thus speak of "global primitive accumulation" when we speak of the coercive creation, alteration, and destruction of local economies so as to articulate them to the world market and the global circuits of self-expanding value therein (M-C-M').⁴² Although he did not expound on it fully, Marx indicated this point when he extended his story of primitive accumulation to the colonies:

The discovery of gold and silver in America, the extirpation, enslavement, and entombment in mines of the indigenous population of that continent, the beginnings of the conquest and plunder of India, and the conversion of Africa into a preserve for the commercial hunting of blackskins, are all things that characterize the dawn of the era of capitalist production. These idyllic proceedings are the chief moments of primitive accumulation.⁴³

What stamps this violent ensemble as the primitive accumulation of capital is the subsumption of labor and land on a planetary scale and their reconstitution as abstract social labor and abstract social nature, even though this reconstitution takes place at different historical moments, in discrete sites, and through heterogeneous social forms. At the level of colonial

empires, we can detect the networks of commodity and capital that link what seems to be local, diverse, and disconnected articulations of land and labor. Slave labor commanded by Atlantic plantocracies, peasant family labor commandeered by the militarized trading companies in South and Southeast Asia, industrial wage labor in Europe, and white colonial emigrant labor in Australasia coalesce into a global archipelago of accumulation. We can grasp these forms as properly belonging to the internal variegation of global capitalism, which no longer remains confined to metropolitan industrial and agrarian capitalism, but encompasses slave-plantation capitalism, company capitalism, and settler capitalism.⁴⁴ By extension, we can recognize the acts of colonial primitive accumulation that establish these forms as constitutive moments of the global order of capital, rather than as wanton and haphazard ventures of plunder and rapine.

The colonial genealogy of capitalism is critical also because it provides us with the most ruthless instances of subsumption of land and labor under capital and thereby brings into sharper relief the element of violence by which primitive accumulation is carried out. Scholars of slavery in the history of capitalism have long recognized the exceptional intensity and brutality of extra-economic coercion in the organization of the colonial trades.⁴⁵ From a liberal economic standpoint, such violence appears strangely excessive and economically irrational, which leads to a search for explanations outside of capitalism. Such was the case, for instance, when classical political economists like James Mill and Jeremy Bentham condemned colonial expansion as "outdoor relief" for unproductive European aristocracies or when Joseph Schumpeter chalked up modern imperialism to the psychological atavism and lingering feudal ethos of Europe's ruling classes.⁴⁶ A similar disposition marks many an economic history of empire today as contemporary scholars continue to view the violence of colonialism as economically sterile, if not counterproductive, and conclude that the role of colonial peripheries in European development was ultimately "peripheral."⁴⁷

The violence of colonialism loses its mystery if we stop viewing it in economic terms of costs and benefits and instead grasp it in its political, lawmaking capacity. Primitive accumulation, conceived as "a frontier phenomenon that arises at the interface of accumulative and non-accumulative logics of social reproduction" offers an alternative key for decoding the surplus of colonial violence.⁴⁸ The trope of the "frontier" illuminates the foundational, constitutive aspect of primitive accumulation in three ways. First, it signals an encounter between divergent and antagonistic ontologies of social reproduction, where capital's conceptually universal and spatially global horizon comes up against limits which it then recasts as barriers to overcome, by force if necessary.⁴⁹ Second, it indicates the absence of a shared legal, institutional, and normative framework on the basis of which rival claims to land and labor, and alternative organizations of time and space can be negotiated and adjudicated. Third, it entails the severe attenuation, if not altogether suspension, of the laws, norms, and customs that sanction the range of acceptable means that can be employed in pursuing competing ends. The stark combination of these three features at imperial frontiers offers an explanation of the massive use of force that underwrote "the ability of Europe's states and their capitalists to rearrange global economic connections and to violently expropriate land and labor."⁵⁰

I contend that the political dimension of primitive accumulation resides in this "originary" (*ursprünglich*), that is, constitutive and generative element of violence that is at the limit of, and therefore largely unmoored from, existing normative-legal orders. A more adequate moniker for this element, I argue, is "capital's violence" (*Gewalt*), a unitary concept that captures the continuity of the historic-foundational and pandemic-quotidian modalities of coercion that has been constitutive of capital. The next two sections attempt a theoretical explication of capital's violence with the help of constitutional and legal theory.

III. Global *Anadasmoi* and the *Nomos* of Capital

I contend that Schmitt's account of European colonial expansion in *The Nomos of the Earth* furnishes useful conceptual vocabulary for explicating the two points outlined above: on the one hand, the foundational status and political significance of primitive accumulation and, on the other, the exceptional brutality of its colonial manifestations. One key utility of Schmitt's account lies in its reliance on the unitary concept of "*nomos*" as the ordering principle common to all legal and social orders, which incorporates the fundamental moments of appropriation, distribution, and production.⁵¹ *Nomos* denotes the concrete pre-legal orientation in the world that is the foundation of customary practices, legal norms, and formal institutions. It comprehends not only the material process of "metabolic interaction" with the earth but also the politico-juridical and ideological structures that order and mediate this interaction. This comprehensive notion informs Schmitt's keen perception that the early-modern colonial expropriations, particularly in the New World, heralded a fundamental transformation and planetary reorientation in modes of appropriation, distribution, and production. He writes, "the history of colonialism in its entirety is a spatially determined process of settlement in which order and orientation are combined. At this origin of land-appropriation law and order are one; where order and orientation coincide."⁵² Far from being crude plunder and stockpiling of resources, the violence of colonial primitive accumulation marked the constitution of a new global order, namely, the modern order of state and capital. As Martti Koskenniemi notes,

Schmitt was putting his finger on the fact that European statehood did not emerge alone but as a political form specific to capitalist social relations that presumed a constitutive distinction between public power, exercised through claims of sovereign jurisdiction (*imperium*), and private power, exercised by private law ownership (property, *dominium*), paradigmatically through the market.⁵³

The obverse of establishing the *nomos* of capital in the colonial context was the dismantling of the existing indigenous orders that rested on alternative ways of organizing the metabolic interaction with the non-human world. Unlike those violent acts of land-appropriation amongst

European polities "that proceed *within* a given order of international law, which readily receive the recognition of other peoples," colonial land-appropriations "uproot and existing spatial order and establish a new *nomos* of the whole special sphere of the neighboring peoples."⁵⁴ This foundational upheaval found its most uncompromising expression in settler colonialism – the centrepiece of Schmitt's analysis – where, in Patrick Wolfe's poignant words, "invasion is a structure, not an event."⁵⁵

"*Anadasmoi*" is the term Schmitt reserves for the radical annihilation or assimilation of an order by another. Recast in this conceptual vocabulary, primitive accumulation represents a specific form of *anadasmoi*, a world-historical reorientation and reordering of property, exchange, and labor relations on a planetary scale, through which the *nomos* of capital is extended and consolidated at the expense of the plurality of other social orders. In this respect, the violence of primitive accumulation, as an "original act" (*Ur-Akt*),⁵⁶ is structurally analogous to "constituent power" in constitutional theory. Borrowing from Antonio Negri, this is essentially the "violence of innovation," the "originary, constitutive violence of the social and political order," which cannot be derived from or adjudicated within norms of a constituted order because it is itself lays down a new ordering principle.⁵⁷ Expressed through the basic categories of *nomos*, the historical capitalist reordering of the metabolic interaction has entailed (1) a new mode of *appropriating* the non-human world, a "new matrix of evaluation"⁵⁸ that demystified and reimagined it as a repository of natural resource and potential value to be extracted, (2) a new mode of *distributing* the world thus appropriated, one that surveyed, enclosed, and partitioned it in exclusive, simplified, abstract, and fungible units, and (3) a new mode of *producing*, one that redefined labor by the measure of commodity and devalued reproductive labor at the same time it rendered both subservient to the endless process of accumulation.

Put differently, primitive accumulation does not merely "confiscate and conscript" productive assets,⁵⁹ but it imposes a fundamental order on various productive activities by categorizing, mapping, ranking, and "enclosing them in a network of signification according to which phenomena can be computed within the framework of universal and particular."⁶⁰ In the early-modern world colonial empires, race and capital emerged as the key principles of such ordering. In the words of Anibal Quijano, "The incorporation of such diverse and heterogeneous cultural histories into a single world dominated by Europe signified a cultural and intellectual intersubjective configuration equivalent to the articulation of all forms of labor control around capital, a configuration that established world capitalism."⁶¹ *Nomos* and primitive accumulation have molded diverse political spaces and laboring activities into commensurable units that are legible as part of a hierarchical political economic system, that is, the international order of the modern state-empire and capital, wherein successive discourses of "civilization" and "development" have recoded social difference as social deficiency.⁶²

Secondly, Schmitt's analysis offers an explanation as to why primitive accumulation assumed its most violent forms in the colonies. The key to this explanation is the position of the colonies outside the purview of customs and conventions of *jus publicum Europeum*, which limited the use of force in relation to appropriation, distribution, and production in Europe. As two economic historians of the colonial Caribbean have recently argued, the colonies served "as a crucible in which economic, social, and political experimentation with new ideas and approaches, both imported from the old world and spawned in the new, were allowed to flourish, often unfettered."⁶³ The capitalist innovation flourished unfettered in the colonies because, in Schmitt's words, "Everything that occurred 'beyond the line' remained outside the legal, moral, and political values recognized on this side of the line. This was a tremendous *exoneration* of the internal European problematic."⁶⁴ The colonial exoneration of violence can go a long way to explain why colonial entrepreneurs such as planters, slave

traders, settlers, and chartered companies enjoyed more discretion and less compunction in destroying or reshaping systems of production and exchange in non-European contexts. Expropriation and exploitation in Europe could be contested by variously invoking and interpreting the laws and customs of the land, which on the one hand, reined in the extremities of primitive accumulation and, on the other, offered a politico-legal medium of resistance, reversal, and negotiation. Colonial primitive accumulation was otherwise. The lack of a common legal, normative, or customary framework greatly attenuated the possibility of a similar recourse to contestation and negotiation.

Pushing this point beyond what Schmitt was ready to concede, it is perhaps more accurate to say that Europeans actively *denied* legal standing to the colonized along racial lines, deliberately producing subjects whose land, labor, and knowledge could be expropriated with impunity. It was no accident that the distinction between public and private power (sovereignty and property) that formed the pillar of the modern political economic order in Europe collapsed in the colonies. The exceptional status of the colonies represented not so much a lingering problem of legal indeterminacy at the colonial frontier as an indispensable part of the racialized ordering principle of domination/exploitation on which European colonial capitalism arose. Put plainly, capitalism was always already "racial capitalism."⁶⁵

The colonial frontiers of capitalism, in Anne Lowehaupt Tsing's words, were "made in the shifting terrain between legality and illegality, public and private ownership, brutal rape and passionate charisma, ethnic collaboration and hostility, violence and law, restoration and extermination."⁶⁶ The genocidal displacement of indigenous populations in the Americas, Australia, and New Zealand, reduction of men and women to mobile property under the New World slavery, and the extraction of subsistence goods out of a famine-stricken India or Ireland are certainly drastic cases of how far human and natural material can be coerced to the relentless pursuit of accumulation, but they are by no means anomalies. Precisely because it

was liberated from the web of institutions and norms that delimited the scope of expropriation and exploitation in Europe, and further empowered by racial hierarchies, primitive accumulation at imperial frontiers *qua* the "systemic edges" of historical capitalism⁶⁷ threw in sharper relief the constitutive violence that was essential to the establishment of this system.

IV. Capital-Positing and Capital-Preserving Violence

A major diagnostic value of colonial primitive accumulation therefore resides in disclosing politico-juridical power to be constitutive of capital's ontology. I further develop this point through the conceptual apparatus offered by Benjamin's reflections on "lawmaking" and "law-preserving" violence (*rechtsetzende und rechtserhaltende Gewalt*), which correspond to the concepts of constituent and constituted power.⁶⁸ While Benjamin deploys lawmaking and law-preserving violence as key morphologies of political power in its relation to a *legal* order, I argue that we can apply the conceptual structure of this binary equally fruitfully to the element of politico-juridical force in its relation to the *social* order of capitalism.

For Benjamin, the paradigmatic case of lawmaking violence is military violence. Military violence, *qua* sheer brute force, is outside a legal order and can therefore be justified only by being directed to natural or just ends that do not refer to a system of positive laws for their validity.⁶⁹ Such violence, however, harbors a "lawmaking" capacity that is realized when it ceases to be purely instrumental and culminates in a new legal condition to which it sanctions obedience both from the victors and the vanquished. At the moment "it proves its worth in victory," lawmaking violence morphs into law-preserving violence. Thenceforth, the naturalness or justness of the ends of the law becomes less important than "the subordination of citizens to laws." Law-preserving violence sets as its main purpose to "divest the individual, at least as a legal subject, of all violence, even that directed only to natural ends."⁷⁰ Crucially, the distinction between lawmaking and law-preserving violence is neither categorically

complete nor temporally sequestered. The law-preserving violence suspends but does not supersede lawmaking violence, and reminds the subjects of the law that the existing legal order is the one to which they are fatefully subordinated. Distinguishing between the two functions of violence becomes particularly difficult in the institution of the “police” insofar as the police formally functions to uphold the law but is also authorized to decide on the ends of the law in specific circumstances within broad limits set by right of decree.⁷¹

Using this conceptual apparatus, we can reformulate capital’s violence as consisting in “capital-positing” and “capital-preserving” violence as two interrelated modalities. Capital-positing violence captures the moment of politico-juridical coercion that enacts the capitalization of social reproduction, encompassing the separation of labor from its conditions of realization and the enforced mediation of access to livelihood by the imperative to generate surplus. This process advances as much by real subsumption as formal subsumption, relies on various methods and intensities of coercion (legislation, executive fiat, administrative decree, naked violence), and is effected by a plurality of actors with varying levels of legitimacy (international institutions, states, corporations) that coalesce into assemblages that enable systemic transformation. Although it might appear predatory in isolated instances (as in extractive ventures or land grabs), its systematic iterations lay down and regularize the institutional background conditions of the private appropriation and accumulation of socially produced wealth. It comprehends a fundamental reorientation in the material and symbolic principles that organize the metabolic interaction with nature, constituting a new way of perceiving human beings’ purposeful relationship to one another and to the non-human world, a new system of power and property, a new *nomos*.

The constituent, “lawmaking” capacity of capital-positing violence, and thereby its liminal status, is evidenced in the way European colonial agents, statesmen, and ideologues justified early modern primitive accumulation. In Europe, expropriation often collided with

customary, if not with codified or common, law. At imperial frontiers, the legal status of expropriation was radically indeterminate or deliberately ambiguous. In either case, the exponents of these expropriations (landlords, improvers, planters, merchants, settlers) could hardly account for their violence on legal grounds, as these acts either contravened or lay outside the existing system of law – in other words, were illegal or extra-legal acts of innovation.⁷² Thus we find arguments in support of capital-positing violence frequently appealing to the *legitimacy* of the natural, just, and universal ends that such violence purportedly served. For instance, when John Locke (at once a colonial administrator, natural law philosopher, and political economist) declared America to be “common and consequently waste land” open to unilateral appropriation by European settlers, or when he sanctioned workhouses, impressment, and colonial transportation for the “idle poor” in England, he staked these claims in reclaiming the earth for the benefit of mankind, fighting sloth and ignorance through the virtuous discipline of labor, and extending the benefits of both to the “needy and wretched” inhabitants of the New World.⁷³ Subsequent generations of European political economists and international lawyers who equated the expansion of capitalism with historical progress often accounted for various instances of capital-positing violence in the universalist register of “humanity,” precisely because the victims of capitalist expropriation and exploitation, whether in Europe, America, Africa, or Asia, rarely shared its particular values and institutions of exclusive private property, domination of nature, labor discipline, productivity, accumulation, and so on.⁷⁴

If capital-positing violence is recorded in history in “letters of blood and fire,” then capital-preserving violence parades in the guise of what Marx famously called the “silent compulsion of economic relations [that] sets the seal on the domination of the capitalist over the worker.”⁷⁵ What is “preserved” is the aforementioned separation from the conditions of labor and subsistence and the enforced mediation of the metabolic interaction by capital. Like

its capital-positing counterpart, capital-preserving violence is not uniformly manifested but operates through variegated assemblages comprising the state, law, and ideology that reproduce the social conditions of capital accumulation. One can elucidate capital-preserving violence as a mode of disciplinary power, which captures the critical conjunction of "silence" and "compulsion." As has been argued by as dissimilar theorists as Ellen Meiksins Wood and Michel Foucault, power exercised under capitalism, at least in its metropolitan variant, is relatively "economic" in the double sense of the term. First, although it is ultimately framed by law and state coercion, the quotidian exercise and experience of power takes place within the institutionalized practices of the market, where "the worker's dependence on capital" and the "despotism of the workplace" supplant extra-economic coercion as the principal means of surplus extraction.⁷⁶ Secondly, the disciplinary institutions and ideological state apparatuses that underpin a capitalist economy fashion docile "subjects of interest" who accept reality and respond to environmental variables in ways that can be statistically aggregated, predicted, and manipulated. This renders operable the liberal *dispositifs* of "security," which govern populations and their wealth-creating capacities through the production and management of spheres of freedom rather than through blunt and costly instruments of repression.⁷⁷

It would be hasty to conclude, however, that the compulsory character of capitalist relations vanishes under the silent strategies of liberal governmentality. First, the wage-contract and the juridical freedom it projects are ultimately a mediation of the coercion of capital over living labor.⁷⁸ Secondly, the liberal governmental rationality that manages populations with minimum *economic* intervention presupposes a heavy dose of *legal* engineering: the *dispositifs* of security examined by Foucault depend on the prior and ongoing operation of the disciplinary apparatuses that transform "people" into "population" by making them "governmentalizable" (intelligible, transparent, and responsive to technologies of governmentality).⁷⁹ Capital-preserving violence, as the institutionalization of coercion *within* capitalism, thus encompasses

not merely the domain of law but, akin to the "police" in Benjamin's account, a whole panoply of infra-legal administrative techniques of micro-coercion, both public and private, necessary for the reconstitution of "capital-positing labor" from one day to the next.⁸⁰ Although hegemonic discursive formations, such as "law and order," "there is no alternative," and "global competition," garner consent to the continued subsumption of life under capital, they are in the last instance backed by the "nondiscursive configurations" comprising the "economic, political and military might of the state itself."⁸¹

In other words, capital-preserving violence represents the persistence of the politico-juridical force of capital-positing violence into the domain of the economic. I argue this is how we ought to understand Marx's famous quip, "between equal rights, force decides" ("*Zwischen gleichen Rechten entscheidet die Gewalt*").⁸² Marx is referring here to the struggle over the length of the working day under the assumption of perfectly valid laws of commodity exchange, that is, under the hypothetical conditions of "mature capitalism" in which force and fraud are assumed away. This implies that even after primitive accumulation is supposed to have been consummated, there remains an element of force or violence (*Gewalt*) that cannot be derived from, dissolved into, or adjudicated within the institutionalized order of the "economy." Capital's violence operates on a continuum political force that is juridified into property relations that modulate access to the conditions of labor; a continuum that bends back and forth between the silent compulsion of the market and the workplace and the open repression of the law enforcement and the police. When we consider these two modalities in their unity, we can see, to paraphrase Wolfe, that *capital's violence is a structure, not an event*.

One important correlate of this argument is that the very existence of capital-preserving violence attests to the impossibility of capital's closure as a self-subsisting economic system, not simply because of the crisis tendencies internal to expanded reproduction (e.g. declining profitability, overaccumulation), but because of the ever-present resistance, active or latent, to

the expulsion, exploitation, inequality, and insecurity generated by capitalism, which renders this extensive infrastructure of coercion necessary in the first place. If we consider capital's violence and resistance to it as a polycentric field of struggle, the stakes of antagonism go beyond the distribution of wealth generated within the domain of expanded reproduction but extend to the institutionalized expropriations that constitute this domain and enable capitalist exploitation.⁸³

Conclusion

In exemplifying the workings of capital-positing and preserving violence, I have mainly alluded to early-modern historical episodes of dispossession, proletarianization, and articulation, such as working class formation, plantation slavery, settler colonialism, and commercial imperialism. Yet capital-positing and capital-preserving violence are integral to the everyday reproduction of the capitalist relations of production. They continue to manifest themselves in forcibly recoding, reconstituting, and networking multiple sites of production and destruction into an articulated totality. Returning to the starting point of this essay, I would like to conclude with a series of reflections on capital's violence at our present.

Physical displacement of people from land by extractive ventures or infrastructure projects continues to represent the most conspicuous form of this violence as well as of the racialized and geopolitical lines along which it is unevenly distributed. A second, perhaps less glaring manifestation of capital's violence is what David Lloyd and Patrick Wolfe have called the "enclosure of the second commons," that is, the erosion or privatization of "those public goods historically wrested from the state by social movements in compensation for the original loss of commons: social security, public utilities, education."⁸⁴ In contrast to physical displacement, this "*in situ* displacement" (to borrow from Shelley Feldman and Charles Geisler) refers to the loss of non-wage entitlements that mitigate households' dependency on

the market for resources needed for social reproduction.⁸⁵ Yet other manifestations are even more subterranean, such as when unsold food and other perishables in supermarkets that end up in trash are deliberately rendered inaccessible or useless (by toxic foam, locked trashcans, or hydraulic pressing), when squatters are evicted from abandoned buildings or slums, or when employees face disciplinary measures when they take scrapped merchandise at the workplace.

The common denominator of these disparate instances is the enforced mediation of the access to the conditions of livelihood by the imperative to labor. That the immediate point of this logic is *not* wealth generation or utility maximization (as classical and neoclassical economics would respectively hold) is evidenced by the fact that the order of capital would rather have excess capacity lie idle and subsistence goods perish rather than countenancing access to them on conditions other than creating surplus value (of course, this creates other problems, such as overaccumulation and devalorization, which are beyond this essay's scope). With the demise of the Keynesian regard for laborers as a source of aggregate demand, the workings of this logic increasingly resemble earlier episodes of settler colonialism that expropriated indigenous peoples with no intention of incorporating them into capital as laborers.⁸⁶ Contemporary expropriation without incorporation spawns an ever-expanding global surplus population that does not even belong to the "reserve army of labor" and dwell in the wasteland of capital.⁸⁷

Set against this background, the optic of capital-positing and capital-preserving violence can enlarge our perspective on the element of force in capitalist reproduction in two directions. First, it reveals that the current trends of disposability, redundancy, and waste are not the accidental extremes but the unadulterated expressions of a logic that is inherently violent and violently indifferent to social and ecological reproduction. Secondly, by helping us recognize those instances as *capital's* violence, it brings into view the common logics and deeper connections between seemingly disconnected trajectories of its exercise. For instance,

In China, we witness the "state-led proletarianization" of the rural population into a floating working class whose hyper-exploitation is enjoyed by global capital and consumers while the costs of their social reproduction devolve back to rural communities.⁸⁸ In Africa, we see a voracious appetite for acquiring global farmland to stave off the prospect of food and energy insecurity for the world's affluent, which proceeds as much through commercial articulation as through dispossession, depeasantization, and displacement of those who inhabit and cultivate these lands.⁸⁹ In the US, we observe the marking of poor and marginalized communities of color as at once a surplus population to be sequestered through zoning laws or warehoused in prisons⁹⁰ *and* a source of value to be squeezed through police and judicial predation in order to make up budgetary shortfalls in times of neoliberal austerity.⁹¹ All of these cases highlight the political and legal force that subtends the capture, exploitation, and devalorization of land and labor as they move through the spatially shifting circuits of capital. Today's dispossessed may or may not be tomorrow's proletarians, and today's proletarians may wake up tomorrow to their redundancy. In each case, the management of the capitalist encasement of social reproduction as well as its fallout requires a whole panoply of legal, institutional, administrative, and coercive strategies of capital-positing and capital-preserving violence. The boundaries between these two modes prove to be especially thin and porous at the racialized and rapidly expanding margins of the global capitalist economy, as in the operation of extractive industries or employment of migrant labor.

Notwithstanding such abundance and ubiquity of violence in the past and present of capitalism, an idealized liberal self-image of capitalism continues to hold sway over significant swathes of political, public, scholarly opinion today. This liberal image conceives of capitalism essentially as an economic system organized around private property, free labor, and market exchange. Excluded from this definition are not only the extra-economic processes of accumulation by dispossession and appropriation, but also the historical violence that has

instituted private property, free labor, and market exchange and the quotidian violence that reproduces them daily. The popular expression of the liberal ideal is condensed in the catchword "globalization," which evokes

a world where the spread of free trade and markets is equated with the promotion of a more cooperative and peaceful international order; one in which 'globalisation' is viewed as transforming contemporary international politics into a series of 'positive-sum' games whereby states can realise absolute gains; where increasingly integrated transnational circuits of capital and global market relations are in turn identified as advancing more liberal-democratic civic cultures, identities and norms.⁹²

In the academic sphere, a kindred, if more nuanced, disposition is reflected in new institutional economics, which speaks in length about colonial histories of conquest, bondage, and extraction yet categorically excludes them from the definition capitalism proper which it predicates on liberal, inclusive institutions.⁹³

Scholarly or lay, the tendency to imagine capitalism in a liberal mold has a longer ideological and intellectual genealogy, which pivots on the "disavowal" of the constitutive violence of capitalism. A comprehensive account of this genealogy remains to be written but a cursory sketch might help highlight its contours here. Such an account would include, for instance, the effort to dissociate the ideal of commerce and capital from the ignominy of slavery by arguing that Africans were already enslaved when the Europeans transported them to plantations, even as many contemporary Europeans admitted the absolute centrality of slavery to Atlantic commerce.⁹⁴ It would dwell on the doctrine of *res nullius* amalgamated with a stadial theory of social development, which underwrote the powerful fiction that Native Americans or Australian Aborigines lacked a notion of landed property and therefore could not be "dispossessed" in the proper sense of the term.⁹⁵ Through a kaleidoscopic array of disavowals, a number of liberal political economists, philosophers, lawyers, public intellectuals have contributed to the conceptual and normative association of capitalism with the liberal institutions of private property, free labor, and free trade in spite of the red thread of expropriation, servitude, and extortion that runs across the history of capitalist globalization.⁹⁶

It is this liberal "narrative of capital," as Partha Chatterjee writes, "that can turn the violence of mercantile trade, war, genocide, conquest and colonialism into a story of universal progress, development, modernization, and freedom."⁹⁷ Niall Ferguson's celebration of Anglophone imperialism as the liberal, if occasionally violent, avatar of capitalist globalization, or Bruce Gilley's wildly controversial recent call to resurrect colonialism in the name of trade and capital, are perhaps the most brash but by no means isolated recent chapters in this narrative.⁹⁸

Confronting the liberal disavowal of capital's violence is particularly urgent at our current moment, as the crisis of the neoliberal regime of accumulation, its expulsions, and its logic of exclusion have birthed its political crisis in the form of a virulent wave of racist, xenophobic, and authoritarian movements that presently sweep across the world. The insistence to associate neoliberal capitalism with a certain cosmopolitanism that should be guarded from populist protectionism rings particularly out of tune with the times when authoritarian capitalism and illiberal democracy are loudly and more confidently being professed, from China and the Philippines to Hungary and Turkey to France and the US. To claim this much is certainly not to dismiss liberalism a system of thought and philosophical tradition. As recent studies have stressed, liberalism has historically harbored intellectual resources as much for criticizing the formative expropriations of capitalism as justifying them.⁹⁹ Activating its critical potential, however, calls for critical reflection on liberalism's long-standing fraught relationship with capitalism and its violence.¹⁰⁰

¹ The recent literature on primitive accumulation is vast and growing. For theoretically informed overviews, see Jim Glassman, "Primitive Accumulation, Accumulation by Dispossession, and Accumulation by Extra-Economic Means," *Progress in Human Geography* 30 (2006): 608-25; Derek Hall, "Rethinking Primitive Accumulation: Theoretical Tensions and

Rural Southeast Asian Complexities," *Antipode* 44 (2012): 1188-1208, and "Primitive Accumulation, Accumulation by Dispossession and Global Land Grab," *Third World Quarterly* 34 (2013): 1582-604; Nikhil Singh, "On Race, Violence, and So-Called Primitive Accumulation," *Social Text* 34.3 (2016): 27-50.

² Karl Marx, *Capital*, Vol. 1: *Critique of Political Economy* (London: Penguin, 1976), 875.

³ While this oversight stamps the recent scholarship on primitive accumulation broadly, I focus on the influential and sophisticated reappraisals by David Harvey, Saskia Sassen, and Jason Moore as representative of this disposition. David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2003), and *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005); Jason Moore, "Capitalocene, Part I: On the Nature and Origins of our Ecological Crisis," *Journal of Peasant Studies* 44 (2017): 594-630, and "Capitalocene, Part II: Accumulation by Appropriation and the Centrality of Unpaid Work," *Journal of Peasant Studies*, online publication (2017); Saskia Sassen, *Expulsions: Brutality and Complexity in the Global Economy* (Cambridge: Harvard University Press, 2014).

⁴ Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962). For a frontal critique, see Bernard Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (Cambridge: Harvard University Press, 2011).

⁵ Jacques Derrida, "Force of Law" in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michael Rosenfeld, and David Gray Carlson (New York: Routledge, 1992), 234.

⁶ Marx, *Capital*, Vol. 1, 873-926

⁷ *Ibid.*, 876, 915.

⁸ *Ibid.*, 874

⁹ *Ibid.*, 280.

¹⁰ For useful overviews, see William Clare Roberts, "What Was Primitive Accumulation? Reconstructing the Origin of a Critical Concept," *European Journal of Political Theory*, online

publication (2017); Robert Nichols, "Disaggregating Primitive Accumulation," *Radical Philosophy* 194 (2015): 18-28; Werner Bonefeld, "Primitive Accumulation and Capitalist Accumulation," *Science & Society* 75 (2011): 379-399.

¹¹ Midnight Notes Collective, "The New Enclosures" (1990), <http://www.midnightnotes.org/newenclos.html>

¹² For an overview, see David Moore, "The Second Age of the Third World: From Primitive Accumulation to Global Public Goods?", *Third World Quarterly* 25 (2004): 87-109.

¹³ On the transition debates, see T. H. Aston and C. H. E. Philpin (eds.), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (Cambridge: Cambridge University Press, 1985); Kalyan Sanyal, *Rethinking Capitalist Development: Primitive Accumulation, Governmentality and Post-Colonial Capitalism* (New Delhi: Routledge, 2007). A momentous exception was feminist Marxism that pointed out the impossibility of capitalist accumulation without unpaid reproductive labor, a point that figures prominently in the recent revival of primitive accumulation. See Mariarosa Dalla Costa, and Selma James, *Power of Women and the Subversion of the Community* (Bristol: Falling Wall Press, 1975); Maria Mies, *Patriarchy and Accumulation on a World Scale: Women in the International Division of Labour* (London: Zed Books, 1998). Also see Nancy Fraser, "Can Society Be Commodities All the Way Down? Post-Polanyian Reflections on Capitalist Crisis," *Economy and Society* 43 (2014): 541-58; Jason Moore, *Capitalism in the Web of Life: Ecology and the Accumulation of Capital* (London: Verso, 2015).

¹⁴ Silvia Federici, *The Caliban and the Witch: Women, the Body, and Primitive Accumulation* (New York: Autonomedia, 2004), 12.

¹⁵ Harvey, *New Imperialism*. For a critical overview of the uses of "accumulation by dispossession," see Daniel Bin, "The So-Called Accumulation by Dispossession," *Critical Sociology*, online publication (2016).

¹⁶ Harvey, *New Imperialism*, 149.

¹⁷ Ibid., 156.

¹⁸ Ibid., 149-51.

¹⁹ Moore, "Capitalocene, Part I," and "Capitalocene, Part II."

²⁰ Moore, "Capitalocene, Part II," 12.

²¹ Sassen, *Expulsions*, 14, 76-9.

²² Ibid., 10, 213.

²³ Harvey, *Brief History*, 159.

²⁴ I dwell on this point in length in Onur Ulas Ince, "Bringing the Economy Back In: Hannah Arendt, Karl Marx, and the Politics of Capitalism," *The Journal of Politics* 78 (2016): 411-26. Marx himself declared "organized force of society" that drove primitive accumulation as an "economic power" that hastened the transition from the feudal to the capitalist mode of production, while Luxemburg construed force as capital's chief instrument for appropriating productive assets outside the circuits of commodity exchange, most dramatically through imperialism. Both accounts construe primitive accumulation as a residual category that explains the *history* of capital's emergence but commands no theoretical purchase on its inner *logic*. As Nikhil Singh astutely observes, Marx's metaphorical description of violence as "midwife" of the capitalist mode of production casts it as "essential yet historically dispensable." Marx, *Capital*, Vol. 1, 915-6; Rosa Luxemburg, *The Accumulation of Capital*, (London: Routledge, 2003), 351; Singh, "Race, Violence," 37.

²⁵ For a recent iteration of this position, see Roberts, "What Was Primitive Accumulation?"

²⁶ Nancy Fraser, "Beyond Marx's Hidden Abode: An Expanded Conception of Capitalism," *New Left Review* 86 (2014): 55-72.

²⁷ Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton: Princeton University Press, 2000), 44.

²⁸ Alexander Anievas and Kerem Nisancioglu, *How the West Came to Rule: The Geopolitical Origins of Capitalism* (London: Pluto, 2015), 278.

²⁹ I critically engage with the definitional debates in detail in Onur Ulas Ince, "Primitive Accumulation, New Enclosures, and Global Land Grabs: A Theoretical Intervention," *Rural Sociology* 79 (2014): 104-131.

³⁰ Massimo de Angelis, "Separating the Doing and the Deed: Capital and the Continuous Character of Enclosures," *Historical Materialism* 12 (2004): 57-87, and *The Beginning of History: Value Struggles and Global Capital* (London: Pluto, 2007), especially 133-142.

³¹ Marx, *Capital*, Vol. 1, 134. For a discussion, see John Bellamy Foster, *Marx's Ecology: Materialism and Nature* (New York: Monthly Review Press, 2000).

³² Nichols, "Disaggregating Primitive Accumulation," 26.

³³ Ince, "Primitive Accumulation," 1116-20.

³⁴ Marx, *Capital*, Vol. 1, 1019-1038.

³⁵ For a more detailed treatment of this definition, see Ince, "Primitive Accumulation."

³⁶ Martin Loughlin, "The Concept of Constituent Power," *European Journal of Political Theory* 13 (2014): 218-237.

³⁷ For some preliminary remarks in this direction, see Sanjay Subrahmanyam "Imperial and Colonial Encounters: Some Comparative Reflections," in *Lessons of Empire: Imperial Histories and American Power*, ed. Craig Calhoun, Frederick Cooper, and Kevin Moore (New York: New Press, 2006).

³⁸ Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research*, 8 (2006): 387-404; Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Palgrave MacMillan, 2010)

³⁹ Amiya Kumar Bagchi, "Nineteenth Century Imperialism and Structural Transformation in Colonized Countries," and Farshad Araghi, "The Invisible Hand and the Visible Foot:

Peasants, Dispossession, and Globalization," both in *Peasants and Globalization: Political Economy, Rural Transformation and the Agrarian Question*, ed. Haroon Akram-Lodhi and Cristobal Kay (London: Routledge, 2009).

⁴⁰ Madhavi Kale, *The Fragments of Empire: Capital, Slavery, and Indian Indentured Labor Migration to the British Caribbean* (Philadelphia: University of Pennsylvania Press, 1998); Lisa Lowe, *Intimacies of Four Continents* (Durham: Duke University Press, 2015).

⁴¹ Eric Williams, *Capitalism and Slavery* (Chapel Hill: University of North Carolina Press, 1944); C. L. R. James, *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution* (New York: Vintage, 1963); Robin Blackburn, *The Making of the New World Slavery* (London: Verso 1997); Sven Beckert, *Empire of Cotton: A New History of Global Capitalism* (London: Penguin, 2015); Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Harvard University Press, 2013).

⁴² de Angelis, *Beginning of History*, 46-7; Anibal Quijano, "Coloniality of Power, Eurocentrism, and Latin America," in *Nepantla: Views from the South* 1 (2000): 533-580, 535-8.

⁴³ Marx, *Capital*, Vol. 1, 915.

⁴⁴ Jairus Banaji, "Merchant Capitalism, Peasant Households and Industrial Accumulation: Integration of a Model," *Journal of Agrarian Change* 16 (2016): 410-31. See more broadly, Jairus Banaji, *Theory as History: Essays on Modes of Production and Exploitation* (Leiden: Brill, 2010). This is not to contend that capitalism necessarily absorbs and employs all the labor and land that it wrests from other social systems through primitive accumulation. It is rather to stress that wherever capital subsumes land or labor (or both) it admits them into its metabolism on the condition of surplus extraction. For an incisive discussion, see Sanyal, *Rethinking Capitalist Development*.

⁴⁵ Edward Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic Books, 2014). Also see note 39 above.

⁴⁶ Donald Winch, *Classical Political Economy and Colonies* (Cambridge: Harvard University Press, 1965); Joseph Schumpeter, *Imperialism and Social Classes* (New York: Meridian Books, 1966).

⁴⁷ Lance E. Davis and Robert A. Huttenback, *Mammon and the Pursuit of Empire: The Political Economy of British Imperialism* (Cambridge: Cambridge University Press, 1986); Patrick O'Brien, "European Economic Development: The Contribution of the Periphery," *The Economic History Review*, 35 (1982): 1-18.

⁴⁸ Ince, "Primitive Accumulation," 106.

⁴⁹ David Harvey, *The Limits to Capital* (London: Verso, 2006).

⁵⁰ Beckert, *Empire of Cotton*, 95.

⁵¹ Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press, 2003), 324-30.

⁵² Ibid., 81.

⁵³ Martti Koskeniemi, "International Law as Political Theology: How to Read *Nomos der Erde*?", *Constellations* 11 (2004): 492-511, 498. For further elaboration of this distinction, see Justin Rosenberg, *The Empire of Civil Society: A Critique of Realist Theory of International Relations* (London: Verso, 1994), 83-90, 126-9.

⁵⁴ Schmitt, *Nomos*, 82.

⁵⁵ Wolfe, "Settler Colonialism," 388.

⁵⁶ Schmitt, *Nomos*, 78

⁵⁷ Antonio Negri, *Insurgencies: Constituent Power and the Modern State* (Minneapolis: University of Minnesota Press, 1999), 7, 252.

⁵⁸ Moore, "Capitalocene, Part I," 620-1.

⁵⁹ Nancy Fraser, "Expropriation and Exploitation in Racialized Capitalism: A Reply to Michael Dawson," *Critical Historical Studies* 3 (2016): 163-178, 166.

⁶⁰ Gavin Walker, "Primitive Accumulation and the Formation of Difference: On Marx and Schmitt," *Rethinking Marxism*, 23 (2011): 384-404, 393.

⁶¹ Quijano, "Coloniality of Power," 540.

⁶² Jessie Goldstein, "Terra Economica: Waste and the Production of Enclosed Nature," *Antipode* 45 (2013): 357-375.

⁶³ Adrian Leonard and David Pretel, "Experiments in Modernity: The Making of the Atlantic World Economy," in *The Caribbean and the Atlantic World Economy: Circuits of Trade, Money and Knowledge, 1650-1914*, ed. Adrian Leonard and David Pretel (New York, Palgrave MacMillan, 2015), 8.

⁶⁴ Schmitt, *Nomos*, 94.

⁶⁵ Cedric Robinson, *Black Marxism: The Making of the Black Tradition* (Chapel Hill: University of North Carolina Press, 1983).

⁶⁶ Anne Lowenhaupt Tsing, *Friction: An Ethnography of Global Connection* (Princeton: University of Princeton Press, 2004), 32.

⁶⁷ On the "systemic edge" as a method of exposition, whereby extreme cases that disclose the subtler yet ever-present systemic logics, see Sassen, *Expulsions*, 211-222.

⁶⁸ Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005), 54

⁶⁹ Walter Benjamin, "Critique of Violence," in *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. Peter Demetz (New York: Harcourt Brace, 1978), 283.

⁷⁰ Ibid.

⁷¹ Ibid., 286. Also see Derrida, "Force of Law."

⁷² For an excellent illustration of this extra-legal innovation, see Robert Nichols's analysis of the doctrine of "preemption" in nineteenth-century American settler colonialism in "Theft Is Property: The Recursive Logic of Dispossession," *Political Theory*, online publication (2017).

⁷³ John Locke, *Two Treatises of Government: A Critical Edition with an Introduction and Apparatus Criticus*, ed. Peter Laslett (Cambridge, Cambridge University Press, 1960), 292-5, and "An Essay on the Poor Law," in ed. Mark Goldie, *Locke: Political Essays* (Cambridge: Cambridge, 1997). Also see, Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (Oxford: Clarendon Press, 1995); James Tully, "Rediscovering America: The Two Treatises and Aboriginal Rights," in *An Approach to Political Philosophy: John Locke in Contexts* (Cambridge, Cambridge University Press, 1993); Onur Ulas Ince, "Enclosing in God's Name, Accumulating for Mankind: Money, Morality, and Accumulation in John Locke's Theory of Property," *The Review of Politics* 73 (2011): 29-54.

⁷⁴ Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University Press, 2005); Andrew Fitzmaurice, *Sovereignty, Property and Empire, 1500-2000* (Cambridge: Cambridge University Press, 2014).

⁷⁵ Marx, *Capital*, Vol. 1, 899.

⁷⁶ Marx, *Capital*, Vol. 1, 279-80, 768; Ellen M. Wood, *Empire of Capital* (London: Verso, 2003), 7-8.

⁷⁷ Michel Foucault, *Security, Territory, Population: Lectures at the College de France, 1977-1978*, ed. Michael Senellart (New York: Picador, 2007), and *The Birth of Biopolitics: Lectures at the College de France, 1978-1979*, ed. Michael Senellart (New York: Palgrave MacMillan, 2008). For subjectivation under capitalism, see Jason Read, *The Micro-Politics of Capital: Marx and the Prehistory of the Present* (Albany: State University of New York Press, 2003).

⁷⁸ Jairus Banaji, "The Fictions of Free Labour: Contract, Coercion, and the So-Called Unfree Labour," *Historical Materialism* 11 (2003): 69-95. For a response, see Tom Brass, "Why

Unfree Labour is Not "So-Called": The Fictions of Jairus Banaji," *The Journal of Peasant Studies* 31 (2003): 101-36.

⁷⁹ Foucault, *Security*, 44, and *Birth of Biopolitics*, 252-3. For a discussion, see Martina Tazzioli, "Foucault and the Irreducible to the Population: The Mob, the Plebs, and Troubling Subjectivities in Excess," in *Foucault and the Making of Subjects*, ed. Laura Cremonesi, Orazio Irrera, Daniele Lorenzini, and Martina Tazzioli (London: Rowman and Littlefield, 2016).

⁸⁰ On "capital-positing labor," see Rakesh Bhandari, "The Disguises of Wage Labor: Juridical Illusions, Unfree Conditions and Novel Extensions," *Historical Materialism* 16 (2008): 71-99.

⁸¹ Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 47.

⁸² Marx, *Capital*, Vol. 1, 344.

⁸³ I develop this point in more detail in Ince, "Bringing the Economy Back In." For a social history of these expropriations and resistance to them, see Marcus Rediker and Peter Linebaugh, *The Many Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

⁸⁴ David Lloyd and Patrick Wolfe, "Settler Colonial Logics and the Neoliberal Regime," *Settler Colonial Studies* 6 (2016): 109-118, 109.

⁸⁵ Shelley Feldman, Charles Geisler, and Louis Silberling, "Moving Targets: Displacement, Impoverishment, and Development," *International Social Science Journal* 55 (2003): 7-13.

⁸⁶ Lloyd and Wolfe, "Settler Colonial Logics"; Lorenzo Veracini, "Facing the Settler Colonial Present," in *Limits of Settler Colonial Reconciliation: Non-Indigenous People and the Responsibility to Engage*, ed. Sarah Maddison, Tom Clark, Ravi de Costa (Singapore: Springer, 2016).

⁸⁷ Sanyal, *Rethinking Capitalist Development*; Partha Chatterjee, *The Lineages of Political Society: Studies in Postcolonial Democracy* (New York: Columbia University Press, 2011),

⁸⁸ See Michael Webber, "Primitive Accumulation in Modern China," *Dialectical Anthropology* 32 (2008): 299-320; Chris King-Ki Chan, Pun Ngai, and Jenny Chan, "The Role of the State, Labour Policy and Migrant Workers' Struggles in Globalized China," *Global Labor Journal* 1 (2010): 132-51

⁸⁹ Ruth Hall, "Land Grabbing in Southern Africa: The Many Faces of the Investor Rush," *Review of African Political Economy* 38 (2011):193–214; Fouad Makki, "Power and Property: Commercialization, Enclosures, and the Transformation of Agrarian Relations in Ethiopia," *Journal of Peasant Studies* 39 (2012): 81-104.

⁹⁰ Loïc Wacquant, "The Deadly Symbiosis: When Ghetto and Prison Meet and Mash," *Punishment and Society* (2001): 95-133.

⁹¹ Joshua Page and Joe Soss, "Criminal Justice Predation and Neoliberal Governance," in *Rethinking Neoliberalism: Resisting the Disciplinary Regime*, ed. Sanford Schram and Marianna Pavlovskaya (London: Routledge, forthcoming),

⁹² Anievas and Nisancioglu, *How the West*, 12

⁹³ See, for instance, See Daron Acemoglu and James Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* (New York: Crown Business, 2012).

⁹⁴ David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca: Cornell University Press, 1975).

⁹⁵ Fitzmaurice, *Sovereignty*; Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France, c. 1500-c. 1800* (New Haven, Yale University Press, 1995).

⁹⁶ For a recent study, see Lisa Lowe, *Intimacies of Four Continents* (Durham: Duke University Press, 2015).

⁹⁷ Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993), 235.

⁹⁸ Niall Ferguson, *Empire: The Rise and the Demise of the British World Order and the Lessons for Global Power* (New York: Basic Books, 2003); Bruce Gilley, "The Case for Colonialism," *Third World Quarterly*, online publication (2017).

⁹⁹ See, for instance, Jennifer Pitts, *A Turn to Empire: The Rise of Liberal Imperialism in Britain and France* (Princeton: Princeton University Press, 2005); Siraj Ahmed, *The Stillbirth of Capital: Enlightenment Writing and Colonial India* (Stanford: Stanford University Press, 2012).

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